

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**In the Matter of**

Repeater Users Group  
Licensee of GMRS Radio Station KAD3271  
Corona, CA

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Ref. No.: EB-03-LA-040

NOV No. V20033290001

Attention: Ed Greany Jr.

**NOTICE OF VIOLATION**

**Released Date:** August 8, 2003

By the District Director, Los Angeles Office, Enforcement Bureau:

1. This is an Official Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commissions Rules<sup>1</sup>, to Repeater Users Group, licensee of GMRS radio station KAD3271.

2. On February 10, 2003, the Commission's Los Angeles Office received information that a grandfathered GMRS licensee had renewed an existing GMRS system license after making a major modification to the licensee's GMRS system. An agent of the Commission's Los Angeles Office monitored the radio frequency 462.675 MHz and heard numerous stations identifying with call sign KAD3271.

3. On April 1, 2003, an agent attempted to inspect the radio equipment of GMRS radio station KAD3271 located at 915 N. Euclid, Anaheim CA. The resident advised the agent that for the last nine years no radio equipment had been at that location. The following violations were observed:

- a. 47 C.F.R. § 95.5(b): "A *non-individual* (an entity other than an individual) is ineligible to obtain a new GMRS system license or make a major modification to an existing GMRS system license (*see* § 1.929 of this chapter)." Major modifications to a GMRS system are defined in 47 C.F.R. §1.929(c)(4) and on line 4 under the "Certification Statements for GMRS Applicants" on FCC Form 605 as: a change in frequency or channel pairs, type of emission, antenna height, location of fixed transmitters, number of mobile units, area of mobile operation, or increase in power. A search of Commission records revealed that the Repeater Users Group, GMRS radio station KAD3271, is authorized only one fixed transmitter location at 915 N. Euclid, Anaheim, CA. At the time of

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<sup>1</sup> 47 C.F.R. § 1.89

the inspection the Repeater Users Group was not operating any fixed transmitters at 915 N Euclid, in Anaheim, CA.

- b. 47 C.F.R. §1.947(a): “All major modifications, as defined in § 1.929 of this part, require prior Commission approval. Applications for major modifications also shall be treated as new applications for determinations of filing date, Public Notice, and petition to deny purposes.” A Search of Commission records revealed that a notification of a change in location of the Repeater Users Group, GMRS radio station KAD3271, fixed transmitter had not been received by the Commission.
- c. 47 C.F.R. § 95.5(c): “ A GMRS system licensed to a non-individual before July 31, 1987, is eligible to renew that license and all subsequent licenses based upon it if: (3) The licensee has not been granted a major modification to its GMRS system.” According to Commission records, Repeater Users Group was granted a renewal of its GMRS radio station license KAD3271 on July 18, 2002. However, Repeater Users Group failed to notify the Commission of their location change.
- d. 47 C.F.R. §1.65(a): “Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving a pending application...” The signator for the Repeater User Group by signing FCC Form 605 certified that no major modifications to the Repeater Users Group GMRS radio system, as stated in item 4 of the “Certification Statements for GMRS Applicants,” had been implemented which was substantially inaccurate at the time of the submission of the application for renewal on July 12, 2002.

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission’s Rules, Repeater Users Group, must submit a written statement concerning this matter within 20 days of the release of this Notice. The response must fully explain each violation, must contain a statement of specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Los Angeles Office  
18000 Studebaker Road Suite 660  
Cerritos, CA. 90703

5. This Notice shall be sent to Repeater Users Group, 1741 Spring Ln, Corona, CA. 91720.

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<sup>2</sup> 47 U.S.C. § 308(b)

6. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure your compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code<sup>4</sup>.

FEDERAL COMMUNICATIONS COMMISSION

Catherine Deaton  
District Director  
Los Angeles Office

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<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3)

<sup>4</sup> 18 U.S.C. § 1001 *et seq*